

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 NEA-10 IO-13 ISO-00 SSO-00 NSCE-00

USIE-00 INRE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03 SS-15

ACDA-19 CAB-09 COME-00 EB-11 FAA-00 DOTE-00 SY-10

SCA-01 JUSE-00 OIC-04 AF-10 ARA-16 EA-11 DRC-01 /197 W

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O R 192245Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 0873

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY TEL AVIV

AMCONSUL MONTREAL

USMISSION USUN NEW YORK

C O N F I D E N T I A L ROME 9903

E.O. 11652: GDS

TAGS: ICAO, ETRN

SUBJECT: ICAO AIR SECURITY CONFERENCE: SEPT 20 CONFERENCE/
ASSEMBLY

PASS LITTELL/CAB; DRISCOLL:DOT; STEWART/FAA

MONTREAL FOR US REP ICAO

REF: ROME 9901

1. CONFIRMING HUFFMAN/MOREY/GRIP/WILLIS TELECON SEP 19, FOLLOWING
IS BRIEF SUMMARY OF SITUATION NOW PREVAILING CONCERNING ASSEMBLY
AND CONFERENCE.

2. CONFERENCE WILL CONVENE 9:00 AM SEP 20 FOR ENTIRE DAY CONCLUD-
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ING AT 5:30 PM. IT WILL CONSIDER SOVIET AND GREEK PROPOSALS. THERE

APPEARS TO BE NO POSSIBILITY AT THIS TIME IN LIGHT TIME PROBLEMS AND OTHER FACTORS DESCRIBED IN PREVIOUS CABLES FOR THERE TO BE ANY CONSIDERATION OF A DRAFT INDEPENDENT CONVENTION ON THE FLOOR IN THE CONFERENCE. USDEL ANTICIPATES THERE WILL BE VOTES IN CONFERENCE PLENARY ON BOTH SOVIET AND GREEK PROPOSALS THURSDAY AFTERNOON. UNLESS INSTRUCTED OTHERWISE USDEL WOULD CONTEMPLATE VOTING IN FAVOR BOTH PROPOSALS. TEXT OF GREEK PROPOSAL TRANSMITTED TO DEPT ROME 9901. TEXT OF SOVIET PROPOSAL BEING TRANSMITTED AS COMPLETED IN COMMISSION OF WHOLE. THOUGH DIFFICULT TO TELL AT THIS STAGE, IT NOW SEEMS DOUBTFUL THAT RULE 20 BIS WILL BE SUSPENDED IN CONFERENCE. ACCORDINGLY, CHANCES FOR ADOPTION SOVIET AND GREEK PROPOSALS SEEM REMOTE.

3. ASSEMBLY SEP 19 APPROVED ARTICLE 79 BIS, AND ARTICLE 79 TER WITHOUT CHANGE. US VOTED IN FAVOR BOTH ARTICLES. ARTICLE 79 QUATER FAILED TO CARRY IN VOTE OF 65-0-29(US), 67 BEING THE REQUISITE MAJORITY FOR ADOPTION OF AMENDMENT IN ASSEMBLY PLENARY SEPT 19. ARTICLE 79 QUINTUM THEN FAILED TO CARRY, 62-2(US)-30, AND ARTICLE 79 SEXTUM FAILED TO CARRY, 57-2(US)-35.

4. VOTING PATTERN MADE IT CLEAR THAT ARTICLE 79 QUINTUM AND SEXTUM FAILED TO CARRY BECAUSE A FEW ARAB DELS FELT THESE ARTICLES NO LONGER WORTH ADOPTING ONCE ARTICLE 79 QUATER HAD BEEN DEFEATED. HOWEVER, FOLLOWING ASSEMBLY'S FAILURE TO ADOPT THESE THREE ARTICLES, ARAB DELS SUCCESSFULLY MOVED FOR ADJOURNMENT OF ASSEMBLY PROCEEDINGS UNTIL 5:30 PM SEPT 20. IT IS CLEAR AT THAT TIME THAT THEY WILL MOVE SUCCESSFULLY TO REOPEN DEBATE CONCERNING ARTICLE 79 QUATER IN HOPES OF OVERTURNING PREVIOUS UNSUCCESSFUL VOTE.

5. FOLLOWING ASSEMBLY ADJOURNMENT USDEL HUFFMAN APPROACHED FRENCH DEL GUILLAUME AND OBSERVED THAT USDEL'S FUNDAMENTAL PROBLEMS REVOLVED AROUND DOUBLE RATIFICATION REQUIREMENTS OF ARTICLE 79 QUINTUM AND SEXTUM. HUFFMAN FELT THAT IF THIS PROBLEM COULD BE ELIMINATED STATE ACTS FORMULATION IN 79 QUATER MIGHT EASILY BE BROUGHT IN LINE WITH USDEL'S PREFERENCES. GUILLAUME SAID THAT FRENCH FOREIGN MINISTRY HAD NO INTEREST IN DOUBLE RATIFICATION PROVISION BUT THAT THIS WAS STRONG POSITION OF MINISTRY OF JUSTICE. HE WAS WILLING, HOWEVER, TO SEEK REAPPRAISAL OF THIS POSITION IN PARIS BY TELEPHONE TOMORROW, IN THE HOPES THAT A NUMBER LESSER THAN 86 MIGHT BE ACCEPTABLE TO US. HUFFMAN INDICATED THAT, CONFIDENTIAL

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SPEAKING PERSONALLY, HE WAS ATTRACTED TO POSSIBILITY OF COMPROMISE USING DOUBLE RATIFICATION REQUIREMENT WHICH LACKED PRACTICAL CONSEQUENCES. THUS, HE SUGGESTED POSSIBILITY OF REQUIRING FORTY RATIFICATIONS OF THE UNDERLYING CONVENTIONS WHILE NOTING THAT THIS IDEA MIGHT RECEIVE NO ACCEPTANCE IN WASHINGTON. GUILLAUME SAID THAT HAGUE WAS NOT A PROBLEM AND THAT ALL OF FRANCE'S DIFFICULTIES REVOLVED AROUND ITS JURIDICAL POSITION ON THE MONTREAL CONVENTION. HE THOUGHT THAT IT WOULD BE WORTHWHILE THAT A COMPRO-

MISE MIGHT BE REACHED AND HE AGREED TO COMMUNICATE TOMORROW WITH HUFFMAN ON THIS MATTER.

6. USDEL BELIVES THAT IF COMPROMISE WERE POSSIBLE INVOLVING DOUBLE RATIFICATION REQUIREMENT WHICH LACKED ANY PRACTICAL LEGAL CONSEQUENCES THIS MIGHT BE MEANS BY WHICH US LEGAL POSITION COULD BEST BE PRESERVED. FOR THIS PURPOSE WE WOULD SUGGEST REQUIREMENT FOR FORTY-FIVE RATIFICATIONS OF MONTREAL THAT BEING TWELVE MORE THAN ARE PRESENTLY DEPOSITED.

7. USDEL REQUESTS DEPT'S VIEWS ON MERITS FURTHER PROCEEDING WITH EFFORTS MAKE COMPROMISE WITH THE FRENCH AND ARABS. IF DEPT FELT THIS WAS DESIRABLE USDEL WOULD WISH WITHHOLD ANY INITIATIVE UNTIL ITS CANVASSES INDICATED STRONG LIKELIHOOD ARABS WOULD OTHERWISE SUCCESSFULLY REVERSE VOTES ON 79 QUATER, QUINTUM AND SEXTUM IN ASSEMBLY SESSION SEPT 20. VOLPE

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